

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0172-22 **Applicant:** Elegant Smiles
Proposal: Proposed single storey extensions
Location: 2 Woolram Wygate Spalding
Terminal Date: 20th April 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 6- Building a strong, competitive economy.
Section 12- Achieving well designed places.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for proposed single storey extensions to the dentist surgery at 2 Woolram Wygate, Spalding.

Site Description

The surgery is located within the settlement of Spalding, along Woolram Wygate, which is predominantly characterised by dwellings of a variety of ages and designs. The site is located directly to the east of the junction with the cul-de-sac of Brown's Gate. The surgery is set back from the road with a wide entrance and a small car park to the front.

History

No planning history relevant.

Consultation Responses

No consultation responses received.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed single storey side extension protrudes from the south side elevation in an almost triangular shape, to follow the line of the boundary. It will project by a minimum of approx. 2.1m and a maximum of 3.8m. The depth of the extension will be approx. 6.1m. The proposed front elevation extensions will protrude by approx. 1.6m from the front elevation and widths of approx. 4.3m and 3.4m respectively. Having regard to the existing dimensions of the building, the proposed extensions are acceptable in terms of scale, mass and bulk.

The side extension would have a flat roof and the roof to the front extensions would be a continuation of the existing roof. The flat roof structure to be situated to the side of building will not be particularly visible from the public realm and will therefore not materially impact the street scene. Facing brickwork on walls and white UPVC in fenestration will match those existing in the property. Thus, the development will appear well blended with the existing building and visual amenity will not be undermined.

Internally, the purpose of the development is to add additional office space and a staff breakout area, which is in keeping with the existing use of the property.

Taking the above into account, the proposed single storey extensions are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impact upon Residential Amenity

Paragraph 130 of the National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

It is not considered that there would be an overbearing or overshadowing impact upon the neighbouring residential properties to the south, north or east. The front extensions are minor in scale and the side extension will not exceed 2.9m in overall height. Based on the plans submitted as part of application ref. H16-0830-05 relating to no. 43 Pennygate, the very most rear wall does not include a window and the closest window facing north toward where the new extension would be sited is approximately 8m away and is to a utility room (therefore considered a non-habitable space).

In terms of overlooking, the proposed side extension includes a door to the front elevation and a roof light. Due to the single storey nature of the proposal and orientation of fenestration, it is not considered that any neighbouring property would suffer a material loss of privacy. The main windows to the front extension are forward facing, but a floor to ceiling side facing window is proposed to the south facing elevation of the staff breakout area. As this faces towards the rear windows of the neighbouring property at a distance of around 10m it would be appropriate to condition that this window be obscure glazed.

Taking the above into account, the proposed extensions are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed single storey extensions will not materially harm the character or appearance of the locality or amenity of nearby residents, subject to the south facing window to the staff breakout area being obscure glazed. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The recommendation is therefore for a delegated approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.